

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David A. Dow on 11-3-09.

The application has been amended as follows:

Claim 45: page 5 of the amendment, on line 14, delete R¹³ and its definition entirely;
Page 6 of the amendment, lines 9, after 'R²²,' insert -- difluoromethyl, trifluoromethyl, difluoromethoxy, or trifluoromethoxy. --

Claim 60: page 13 of the amendment, at the beginning of line 22, delete the word "**and**";
insert -- or -- in its place.

Cancel claims 69-73.

Allowable Subject Matter

Applicant's amendment of 8-14-09 has overcome the previous rejections of 112 and 101. With no other outstanding rejection, claims 45-52, 56-61, 63, 64 and 66.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The invention is drawn to substituted bi-phenyl compounds of formula I.1; pharmaceutical composition thereof and a method of reducing the body weight using said compounds. The closest reference, **Ishihara et. al.** (US 7,601,868 B2), discloses a biphenyl compound with similar substituents. However, the effective filing date of US'868 does not antedate the effective filing date of this application, and thus, it is not a competent prior art. Another reference, **Angell et. al.** (US 7,151,118 B2), discloses a closely related genus of substituted biphenyl; however, said genus requires a group of $-NH-CO-R^4$ on the terminal phenyl group which is not within the scope of the instant R²⁵. Thus, Angell et. al. does not claim overlapping subject matter for the purpose of interference being that the effective filing date of US'118 is within a month of the effective filing date of this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMTHOM N. TRUONG whose telephone number is (571)272-0676. The examiner can normally be reached on M, T and Th (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamthom N. Truong/
Examiner, Art Unit 1624

/James O. Wilson/
Supervisory Patent Examiner, Art Unit 1624

11-3-09